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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

[X] In re application of: D. Fisher
 Application No.: 09/229,283
 Filed: January 13, 1999
 For: USE OF MICROPHTHALMIA FOR DIAGNOSIS, PROGNOSIS AND/OR TREATMENT
 OF MELANOMA

Group No.: 1641

Examiner: not yet assigned

[] Patent No.*: Issued:

*NOTE: Insert name(s) of inventor(s) and title for patent.

Assistant Commissioner for Patents
 Washington, D.C. 20231

**STATEMENT UNDER 37 C.F.R. § 3.73(b)
 ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION**

NOTE: 37 CFR 3.73(b) states: "When an assignee seeks to take action in a matter before the Office with respect to a patent application, ..., patent, registration, or reexamination proceeding, the assignee must establish its ownership of the property to the

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
 Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10*

with sufficient postage as first class mail.

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Noreen Buckley
 Signature

Noreen Buckley
 (type or print name of person certifying)

Date: 8/2/99

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"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.



satisfaction of the Commissioner. Ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g. reel and frame number) where such evidence is recorded in the Office. The submission establishing ownership must be signed by a party authorized to act on behalf of the assignee. Documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office."

NOTE: "Section 3.73(b) is amended to remove the sentence requiring an assignee to specifically state that the evidentiary documents have been reviewed and to certify that title is in the assignee seeking to take action. The sentence is deemed to be unnecessary in view of the amendment to §§ 1.4(d) and 10.18." Notice of Oct. 10, 1997, 62 Fed. Reg. 53,131, at 53,174.

1. The assignee(s) of the entire right, title and interest hereby seek(s) to take action in the PTO in this matter.

IDENTIFICATION OF ASSIGNEE

2. Dana-Farber Cancer Institute, Inc.

Name of assignee

Corporation

Type of assignee, e.g., corporation, partnership, university, government agency, etc.

PERSON AUTHORIZED TO SIGN

3. Julia Hart, Esq.

(type name of person authorized to sign on behalf of assignee)

Patent Counsel

Title of person authorized to sign

NOTE: *The Notice of April 30, 1993 (1150 O.G. 62-64) points out:*

"The statement under 37 CFR 3.73(b) may be signed on behalf of the assignee in the following two manners if the assignee is an organization (e.g., corporation, partnership, university, government agency, etc.).

"(1) The statement may be signed by a person in the organization having apparent authority to sign on behalf of the organization. An officer (president, vice-president, secretary, or treasurer) is presumed to have authority to sign on behalf of the organization. The signature of the chairman of the board of directors is acceptable, but not the signature of an individual director. A person having a title (manager, director, administrator, general counsel) that does not clearly set forth that person as an officer of the assignee is not presumed to be an officer of the assignee or to have authority to sign the statement on behalf of the assignee. A power of attorney from the inventors in an organization to a practitioner to prosecute a patent application does not make the practitioner an official of an assignee or empower the practitioner to sign the statement on behalf of the assignee.

"(2) The statement may be signed by any person, if the statement includes an averment that the person is empowered to sign the statement on behalf of the assignee and, if not signed by a registered practitioner, the statement must be in oath or declaration form. Where a statement does not include such an averment, and the person signing does not hold a position in the organization that would give rise to a presumption that the person is empowered to sign the statement on behalf of the assignee, evidence of the person's authority to sign will be required."

(complete the following, if applicable)

[Author's Note: The requirement for an oath or declaration for this statement by a person not a registered practitioner was rescinded by the rules effective December 1, 1997.]

I, the person signing below, state that I am empowered to sign this statement on behalf of the assignee.

BASIS OF ASSIGNEE'S INTEREST

Ownership by the assignee is established as follows:

A.

1. An assignment from the inventor(s) of the matter identified above, which was recorded in the PTO at
Reel 9889 , frame 0278
2. An assignment (document) separately being submitted for recordal herewith.

AND/OR

B. A chain of title from the inventor(s) to the current assignee as shown below:

1. From: _____
Name of inventor(s)
To: _____
Recorded in PTO: Reel _____, Frame _____
2. From: _____
Name of inventor(s) or assignee
To: _____
Recorded in PTO: Reel _____, Frame _____
3. From: _____
Name of inventor(s) or assignee
To: _____
Recorded in PTO: Reel _____, Frame _____

(check item below, and add details, if applicable)

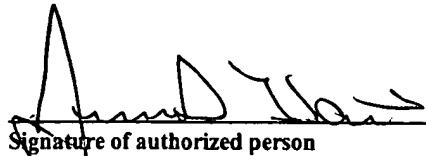
Additional documents in the chain of title are listed in the attached Supplemental Sheet.

COPIES OF DOCUMENTS IN CHAIN OF TITLE

(complete this item, if copies are being sent)

Copies of the assignment(s) or other document(s) in the chain of title are attached as follows:

<input checked="" type="checkbox"/> A	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 2
<input type="checkbox"/> B	<input type="checkbox"/> 1	<input type="checkbox"/> 2
		<input type="checkbox"/> 3



Signature of authorized person

Julia D. Hart, Esq.

(type or print name of authorized person)

Patent Counsel

Title of authorized person

SIGNATURE OF PRACTITIONER

Reg. No.: 30,628

Ronald I. Eisenstein

(type or print name of practitioner)

Tel. No.: (617) 345-6054

101 Federal Street

P.O. Address

Boston, MA 02110-1832



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 Examiner: not yet assigned

[] Patent No.*: Issued:

*NOTE: Insert name(s) of all inventor(s) and title also for patent.

Assistant Commissioner for Patents
 Washington, D.C. 20231

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST
 (REVOCATION OF PRIOR POWERS)**

As assignee of record of the entire interest of the above identified

[X] application,
 [] patent,

REVOCATION OF PRIOR POWERS OF ATTORNEY

all powers of attorney previously given are hereby revoked and

NEW POWER OF ATTORNEY

the following attorney(s) and/or agent(s) are hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected therewith.

(list name and registration number)

Ronald I. Eisenstein (Reg. No. 30,628)
 David S. Resnick (Reg. No. 34,235)

(check the following item, if applicable)

[] Attached, as part of this power of attorney, is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

Ronald I. Eisenstein

SEND CORRESPONDENCE TO:

Nixon Peabody, LLP
101 Federal Street
Boston, MA 02110-1832

Ronald I. Eisenstein (617) 345-6054

DIRECT TELEPHONE CALLS TO:

Customer No.:

Dana-Farber Cancer Institute, Inc.

(type or print identity of assignee of entire interest)

44 Binney Street

Address

Boston, Massachusetts 02115

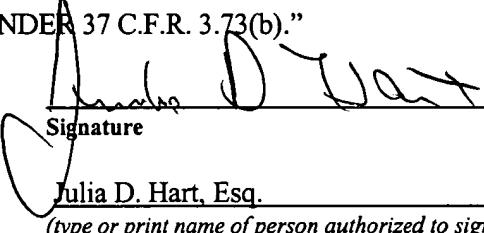
Recorded in PTO on **April 12, 1999**
Reel **9889**
Frame **0278**

Recorded herewith

ASSIGNEE STATEMENT

Attached to this power is a "STATEMENT UNDER 37 C.F.R. 3.73(b)."

Date July 20, 1999


Signature

Julia D. Hart, Esq.

(type or print name of person authorized to sign on behalf of assignee)

Patent Counsel

Title

NOTE: *The assignee of the entire interest may revoke previous powers and be represented by an attorney of his or her selection.*
37 C.F.R. 1.36.

(check the following item, if it forms a part of this power of attorney)

Added page—Authorization of attorney(s) to accept and follow instructions from representative.

JUNE 24, 1999



PTAS

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231



PEABODY & BROWN
RONALD I. EISENSTEIN
101 FEDERAL STREET
BOSTON, MA 02110

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF
THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS
AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER
REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE
INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA
PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD
FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY
CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723.
PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE,
ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY,
SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/12/1999

REEL/FRAME: 9889/0278
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:
FISHER, DAVID E.

DOC DATE: 04/05/1999

ASSIGNEE:
DANA-FARBER CANCER INSTITUTE, INC.
44 BINEY STREET
BOSTON, MASSACHUSETTS 02115

FILING DATE: 01/13/1999
ISSUE DATE:

SERIAL NUMBER: 09229283
PATENT NUMBER:

LAWAN FLETCHER, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

RECEIVED
JUL 12 1999
NIXON PEABODY LLP

04-20-1999

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

Tab settings □ □ □ □ □

To the Honorable Commissioner of Patents

1. Name of conveying party(ies):

Fisher, David E.

Additional name(s) of conveying party(ies) attached?

Yes No

3. Nature of conveyance:

Assignment
 Security Agreement
 Other _____

Merger
 Change of Name ¹⁹⁹⁹
_{AUG}

Execution Date: April 5, 1999

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

09/229,283

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Ronald I. Eisenstein

Internal Address: _____

Street Address: Peabody & Brown

101 Federal Street

City: Boston State: MA ZIP: 02110

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41) \$ 40.00

Enclosed

Authorized to be charged to deposit account

8. Deposit account number:

500850

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Ronald I. Eisenstein (Reg. No. 30,628)

Name of Person Signing

Ronald I. Eisenstein

Signature

4/8/99

Date

2

Total number of pages including cover sheet, attachments, and document:

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

ASSIGNMENT

I/We David E. Fisher for good and valuable consideration jointly from Dana-Farber Cancer Institute Inc. a Massachusetts corporation having its principal place of business at 44 Binney Street, Boston, Massachusetts 02115, hereinafter called the Assignee, receipt of which is hereby acknowledged, do hereby sell, assign and transfer unto the Assignee, its successors and assigns, the entire right, title and interest in, to and under an application for Letters Patent of the United States Serial No. 09/229,283 signed by us herewith for Improvements in **USE OF MICROPHTHALMIA FOR DIAGNOSIS, PROGNOSIS AND/OR TREATMENT OF MELANOMA** all priority rights ensuing therefrom, and the inventions and any of them therein set forth and described, and any and all Letters Patent of the United States and of countries foreign thereto which may be granted thereon or therefor, together with the right to apply for such Letters Patent.

And for the above consideration I/we agree promptly upon request of the Assignee, its successors or assigns, to execute and deliver without further compensation any power of attorney, assignment, application, whether original, divisional, continuation or reissue, or other papers which may be necessary or desirable fully to secure to the Assignee, its successors and assigns, the inventions and any of them described in said application and all patent rights therein, in the United States and in any country foreign thereto.

The undersigned hereby grant(s) the law firm of Peabody & Brown of 101 Federal Street, Boston, Massachusetts 02110, U.S.A. the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark, Office for recordation of this document.

IN WITNESS WHEREOF, I, David E. Fisher, hereunto set my hand and seal this 5 day of April, 1999.

David E. Fisher
David E. Fisher

Commonwealth [State] of MASSACHUSETTS
County of SUFFOLK ss.

Before me this 5th day of April, 1999, personally appeared David E. Fisher, who is to me personally known, and acknowledged the foregoing instrument of assignment to be his free act and deed.

Donna M. Prestere
Notary Public

DONNA M. PRESTERE
Notary Public
My Commission Exp. 8/16/2003
August 16, 2002

**Dana-Farber Cancer Institute, Inc.
Certificate of Corporate Authority**

Kirsten G. Henderson, Assistant Secretary of Dana-Farber Cancer Institute, Inc., a Massachusetts not-for-profit corporation with its usual place of business at 44 Binney Street in Boston, Massachusetts, hereby certifies that at meetings of the Executive Committee of the Board of Trustees of Dana-Farber Cancer Institute, Inc. duly called and held, at each of which meetings a quorum was at all times present and acting, it was

VOTED: That the below identified officers are authorized to act on behalf of and bind the corporation as to the matter below specified:

Deposit, Checking and Other Accounts: President, Treasurer, Assistant Treasurers, Chief Operations Officer, Chief Financial Officer, Director of Finance, and Controller, singly. Facsimile: Chief Financial Officer, payable to \$5,000, Assistant Treasurer, payroll.

Related Organization Bank Accounts: Treasurer, Assistant Treasurers, Chief Operations Officer, Chief Financial Officer, Director of Finance, and Controller, singly.

Borrowing and Leasing Accounts: President, Treasurer, Assistant Treasurers, Chief Operations Officer, Chief Financial Officer, and Director of Finance, singly.

Gifts and Estates: President, Treasurer, Assistant Treasurers, Chief Operations Officer, Chief Financial Officer, and Director of Finance, singly.

Securities, Brokerage Accounts: President, Treasurer, Assistant Treasurers, Chief Operations Officer, Chief Financial Officer, and Director of Finance, singly, for the Corporation and the former Sidney Farber Cancer Institute, Inc., Sidney Farber Cancer Center, Inc., Children's Cancer Research Foundation, Inc., the Jimmy Fund, and Jimmy & Co. or their predecessors or successors, be and they are each of them singly hereby authorized to take such action and to execute and deliver by and on behalf of the foregoing, such documents, instruments, and other papers, under the corporate seal or otherwise, as the officers so acting shall deem advisable in connection with the deposit, purchase, sale, hypothecation, or other transfer or activity in connection with the ownership or management of securities.

Letters of Credit: U.S. Health Care Financing Agency and Department of Health and Human Services: Treasurer, Assistant Treasurers, Chief Operations Officer, Chief Financial Officer, Director of Finance, and Director of Internal Audit, singly.

Contracts: President, Treasurer, Assistant Treasurers, Chief Operations Officer, Chief Financial Officer, and Director of Finance, singly.

Safe Deposit Box: Assistant Treasurers, Chief Operations Officer, Chief Financial Officer, Director of Finance, and Director of Internal Audit, singly.

Real Estate Transactions: President, Treasurer, Assistant Treasurers, Chief Financial Officer, and Chief Operations Officer, singly, including mortgages, leases, purchase and sale agreements, guarantees, easements, and other documents.

Intellectual Property Management Agreements: Director for Research; Director of Research Administration; Patent Counsel; Director, Office of Technology Transfer; General Counsel; Technology Transfer Officer, singly.

Clinical Trial Agreements: President; Director for Research; Director of Research Administration, singly.

Confidential Disclosure Agreements: Director for Research; Director of Research Administration; Director, Office of Technology Transfer; Patent Counsel; Licensing Associate; Technology Manager, Officer of Technology Transfer, singly.

Commercially Sponsored Research Agreements: Director for Research; Director of Research Administration; President, singly.

Copyright, Patent and Trademark Applications and Related Documents: Director for Research; Director, Office of Technology Transfer; Patent Counsel; General Counsel, singly

Material Transfer Agreements: Director for Research; Director of Research Administration; Technology Transfer Officer; Director, Office of Technology Transfer; Patent Counsel; General Counsel, singly.

Transaction Term Sheets: Director for Research; Director, Office of Technology Transfer; Licensing Associate; Technology Manager, Office of Technology Transfer; Technology Transfer Officer, singly.

License and Option Agreements: President; Treasurer; Chief Financial Officer; Director for Research; Director of Research Administration; Director, Office of Technology Transfer; Technology Transfer Officer, singly.

Documentation related to options for, and ownership of, equity or bonds in commercial entities as part of technology transfer transactions: President; Treasurer; Assistant Treasurers; Chief Operations Officer, Chief Financial Officer, Controller, singly.

Research Grant/Contract Applications (non-commercial sponsors): Director for Research; Director of Research Administration; Director, Office of Grants and Contracts; President, singly.

Clinical Services Agreements: Chief of Staff; President; Chief Operations Officer, singly.

Said Kirsten G. Henderson further certifies that she is the Assistant Secretary of Dana-Farber Cancer Institute, Inc., that the aforesaid vote is in compliance with the Articles of Organization and Bylaws of said corporation, which have not been altered or amended, and are in full force and effect,

Said Kirsten G. Henderson further certifies that she is the Assistant Secretary of Dana-Farber Cancer Institute, Inc., that the aforesaid vote is in compliance with the Articles of Organization and Bylaws of said corporation, which have not been altered or amended, and are in full force and effect, and that the following offices are held by the person listed:

PRESIDENT:	David G. Nathan, M.D.
TREASURER:	Richard K. Lubin
ASSISTANT TREASURER:	Dorothy E. Puhy
CHIEF FINANCIAL OFFICER:	Dorothy E. Puhy
DIRECTOR OF FINANCE	Vacant
DIRECTOR OF INTERNAL AUDIT:	William R. Lowe
CHIEF OPERATIONS OFFICER:	James B. Conway
CONTROLLER:	Jean G. Pelletier
ASSISTANT CONTROLLER:	Vacant
PATENT COUNSEL:	Julia D. Hart, Esq.
GENERAL COUNSEL:	Brian S. Meyer, Esq.
DIRECTOR, OFFICE OF TECHNOLOGY TRANSFER:	Ruth Emyanitoff, Ph.D.
TECHNOLOGY MANAGER:	Faye Austin, Ph.D.
DIRECTOR FOR RESEARCH:	Faye Austin, Ph.D.
DIRECTOR OF RESEARCH ADMINISTRATION:	William M. Corbett, Jr.
DIRECTOR, OFFICE OF GRANTS AND CONTRACTS:	Mary E. McElroy

This certificate may be recorded in any or all registries of deeds in the Commonwealth of Massachusetts, and shall remain effective, and may be relied upon, until revoked of record or until a corporate vote of later date is recorded.

Executed this 30th day of June

1999

Kirsten G. Henderson

Kirsten G. Henderson

Assistant Secretary

Dana-Farber Cancer Institute, Inc.